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7 Attorney for Plaintiff  
8 PAUL SAPAN

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **SOUTHERN DIVISION**

12  
13 PAUL SAPAN,

14  
15 Plaintiff,

16 vs.

17 MIRANDA HOLDINGS, L.L.C. d/b/a  
18 TOTAL CREDIT RELIEF,

19 Defendants.  
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Case No.:

**COMPLAINT FOR DAMAGES,  
INCLUDING PUNITIVE  
DAMAGES, INTEREST AND  
ATTORNEY’S FEES, AND  
FOR INJUNCTIVE RELIEF**

**Violation(s) of Telephone  
Consumer  
Protection Act of 1991  
Trespass to Chattel  
Unfair Business Practices**

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25  
26 COMES NOW Plaintiff PAUL SAPAN (hereinafter referred to as  
27 “Plaintiff”) who alleges as follows:  
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**FIRST CAUSE OF ACTION**

[TCPA Violation – Prerecorded Telesolicitation – For All 3 Calls]

20. Plaintiff realleges all paragraphs above and incorporates them herein by reference.

21. Plaintiff is bringing this action pursuant to the provisions of the Telephone Consumer Protection Act of 1991 (47 U.S.C. §227 and 47 C.F.R. §64.1200 – “TCPA”).

22. Subdivision (b) (1) (B) of Section 227 of Title 47 of the United States Code makes it unlawful for any person to “initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order of the Commission under paragraph (2) (B);”

23. Defendants have called Plaintiff’s residential telephone line, using an artificial or prerecorded voice to deliver a message, without Plaintiff’s express permission during the statutory period of the last 4 years, pursuant to 28 U.S.C. § 1658. These calls are the only calls known to Plaintiff at this time and Plaintiff states on information and belief, without yet having the aid of full discovery, that it is quite likely that Defendant has made many more violative calls to Plaintiff’s residential telephone line. These calls were not made for any emergency purpose, nor were these calls exempt under subdivisions (a) and/or (c) of section 64.1200 of title 47 of the Code of Federal Regulations.

24. Subdivision (b)(3) of section 227 of title 47 of the United States Code permits a private right of action in state court for violations of 47 U.S.C. §227 (b) (1) (B). Plaintiff may obtain relief in the form of injunctive relief, or Plaintiff may recover \$500.00 for each violation, or both. If the court finds that defendants' violations were willful or knowing, it may, in its discretion, award up to three

1 times that amount.

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3 **SECOND CAUSE OF ACTION**

4 [TCPA Violation – Do Not Call List – For All 3 Calls]

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6 25. Plaintiff realleges all paragraphs above and incorporates them herein  
7 by reference.

8 26. Plaintiff is bringing this action pursuant to the provisions of the  
9 Telephone Consumer Protection Act of 1991 (47 U.S.C. §227 and 47 C.F.R.  
10 §64.1200 – “TCPA”).

11 27. Subdivision (c) (2) of Section 64.1200 of Title 47 of the Code of  
12 Federal Regulations makes it unlawful for any person to “initiate any telephone  
13 solicitation” to “A residential telephone subscriber who has registered his or her  
14 telephone number on the national do-not-call registry of persons who do not wish  
15 to receive telephone solicitations”.

16 28. At all times relevant to this complaint, Plaintiff had registered his  
17 residential telephone number on the national do-not-call registry maintained by the  
18 U.S. Government.

19 29. Defendants have called Plaintiff’s residential telephone line for  
20 solicitation purposes during the statutory period of the last 4 years, pursuant to 28  
21 U.S.C. § 1658. These calls are the only calls known to Plaintiff at this time and  
22 Plaintiff states on information and belief, without yet having the aid of full  
23 discovery, that it is quite likely that Defendant has made many more violative calls  
24 to Plaintiff’s residential telephone line. These calls were not made in error, nor did  
25 Defendant have express permission from Plaintiff to call, nor did Defendant have a  
26 personal relationship with Plaintiff. 37 C.F.R. § 64.1200 (c) (i), (ii), & (iii).

27 30. Subdivision (c)(5) of section 227 of title 47 of the United States Code  
28 permits a private right of action in state court for violations the national do-not-call

1 registry rules promulgated thereunder. Plaintiff may obtain relief in the form of  
2 injunctive relief, or Plaintiff may recover \$500.00 for each violation, or both. If  
3 the court finds that defendants' violations were willful or knowing, it may, in its  
4 discretion, award up to three times that amount.

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6 **THIRD CAUSE OF ACTION**

7 [Violation(s) of California Civil Code § 1770 (a) (22) (A) –  
8 For All 3 Prerecorded Telesolicitation Calls]

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10 31. Plaintiff realleges all paragraphs above and incorporates them herein  
11 by reference.

12 32. California Civil Code § 1770 (a) (22) (A) requires that all recorded  
13 messages disseminated within the state be introduced by a live, natural voice  
14 giving the name of the entity calling, the name of the entity being represented, an  
15 address or phone number for that entity, and asking permission to play the  
16 recording. Defendant's illegal prerecorded telemarketing calls to Plaintiff failed to  
17 comply with this requirement.

18 33. As a proximate result of defendants' violation of Civil Code section  
19 1770, plaintiff has suffered and continues to suffer damages in an amount not yet  
20 ascertained, to be proven at trial.

21 34. Civil Code section 1780 (a) (2) provides for an injunction against  
22 future conduct in violation of Civil Code section 1770.

23 35. Civil Code section 1780 (a) (4) provides for an award of punitive  
24 damages for violations of Civil Code section 1770.

25 36. Civil Code section 1780 (d) provides for an award of attorneys fees  
26 for plaintiffs harmed by California Civil Code §1770 (a) (22) (A) violations.

27 37. Civil Code section 1782 requires that, thirty days or more prior to the  
28 commencement of an action for damages pursuant to this title, Plaintiff give notice

1 in writing via certified mail with return receipt requested of his claims under Civil  
2 Code section 1770. Plaintiff did so by having his attorneys send a written cease  
3 and desist and demand letter via certified mail with return receipt requested to  
4 Defendants at their principal places of business well over 30 days prior to the filing  
5 of the instant action.

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7 WHEREFORE Plaintiff prays for judgment against defendants, and each of  
8 them, as follows:

9 On the FIRST CAUSE OF ACTION:

- 10 1. For an award of \$500.00 for each violation of 47 U.S.C. §227;  
11 2. For an award of \$1,500.00 for each such violation found to have been  
12 willful;

13 On the SECOND CAUSE OF ACTION:

- 14 3. For an award of \$500.00 for each violation of 47 C.F.R. §64.1200 (c) (2);  
15 4. For an award of \$1,500.00 for each such violation found to have been  
16 willful;

17 On the THIRD CAUSE OF ACTION:

- 18 5. For compensatory damages according to proof;  
19 6. For preliminary and permanent injunctions, enjoining Defendants, and  
20 each of them, from engaging in activity in violation of California Civil  
21 Code §1770 (a) (22) (A);  
22 7. For punitive damages;  
23 8. For attorney's fees;

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1 On ALL CAUSES OF ACTION:

2 9. For attorney's fees pursuant to California Code of Civil Procedure §  
3 1021.5.

4 10. For costs of suit herein incurred; and

5 11. For such further relief as the Court deems proper.

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7 DATED: March 10, 2023

**PRATO & REICHMAN, APC**

8  
9 /s/Christopher J. Reichman, Esq.

10 By: Christopher J. Reichman, Esq.

11 **Prato & Reichman, APC**

12 Attorneys for Plaintiff

13 PAUL SAPAN  
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